

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
34-CA-075090	Feb. 22, 2012

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer The William W. Backus Hospital		b. Tel. No. 860-889-8331
d. Address (street, city, state ZIP code) 326 Washington Street Norwich, CT 06360	e. Employer Representative Thomas Gibbons, Esq. Jackson Lewis	c. Cell No.
		f. Fax No.
i. Type of Establishment (factory, nursing home, hotel) Acute Care Hospital	j. Principal Product or Service Health Care	g. e-Mail
		h. Dispute Location (City and State) Norwich, CT
		k. Number of workers at dispute location 1200

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about February 10, 2012, the Employer has interfered with, restrained, and coerced its employees in the exercise of their Section 7 rights by restricting nurses' conversations with doctors.

Since about February 3, 2012, the Employer has failed to bargain collectively and in good faith with the AFT, Connecticut, by making a unilateral change to the tardiness policy in Surgical Services.

3. Full name of party filing charge (If labor organization, give full name, including local name and number)

AFT Connecticut

4a. Address (street and number, city, state, and ZIP code) 35 Marshall Road Rocky Hill, CT 06066	4b. Tel. No. 860-257-9782
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No. 860-257-8214
	4e. e-Mail (b) (6), (b) (7)(C)@aftct.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

American Federation of Teachers

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. 860-257-9782
By: (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Office, if any, Cell No.
(signature of representative of person making charge)	Print Name and Title	Fax No.
Address: (b) (6), (b) (7)(C)	Date:	e-Mail (b) (6), (b) (7)(C)@aftct.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
34-CA-075090	3/27/2012

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer THE WILLIAM W. BACKUS HOSPITAL		b. Tel. No. 860-889-8331
d. Address (street, city, state ZIP code) 326 WASHINGTON STREET NORWICH, CT 06360	e. Employer Representative THERESA L. BUSS, DIRECTOR, HUMAN RESOURCES	c. Cell No.
		f. Fax No.
i. Type of Establishment (factory, nursing home, hotel) ACUTE CARE HOSPITAL	j. Principal Product or Service HEALTH CARE	g. e-Mail
		h. Dispute Location (City and State) NORWICH, CT
		k. Number of workers at dispute location 1,200

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about February 10, 2012, the Employer has interfered with, restrained, and coerced its employees in the exercise of their Section 7 rights by restricting nurses' conversations with doctors.

Since about February 3, 2012, the Employer has failed to bargain collectively and in good faith with the AFT, Connecticut by making a unilateral change to the tardiness policy in Surgical Services.

In January 2012, the Employer failed to bargain collectively and in good faith when it made a unilateral change in the past practice of self-scheduling in PACU.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

AFT CONNECTICUT

4a. Address (street and number, city, state, and ZIP code)

**35 MARSHALL ROAD
ROCKY HILL, CT 06066**

4b. Tel. No.

860-257-9782

4c. Cell No. (b) (6), (b) (7)(C)

4d. Fax No. 860-257-8214

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

AMERICAN FEDERATION OF TEACHERS

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

860-257-9782

By (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Office, if any, Cell No

(signature or representative or person making charge)

Address **35 MARSHALL ROAD
ROCKY HILL, CT 06067**

Date:

3/27/12

Fax No. (860) 257-8214

e-Mail (b) (6), (b) (7)(C) @AFTCT.ORG

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

cc bd.

TOTAL P.02

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**2nd AMENDED CHARGE AGAINST EMPLOYER**

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE

Case

Date Filed

34-CA-075090

April 19, 2012

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer THE WILLIAM W. BACKUS HOSPITAL		b. Tel. No. 860-889-8331
d. Address (street, city, state ZIP code) 326 WASHINGTON STREET NORWICH, CT 06360	e. Employer Representative THERESA L. BUSS, DIRECTOR, HUMAN RESOURCES	c. Cell No.
		f. Fax No.
		g. e-Mail
i. Type of Establishment (factory, nursing home, hotel) ACUTE CARE HOSPITAL	j. Principal Product or Service HEALTH CARE	h. Dispute Location (City and State) NORWICH, CT
		k. Number of workers at dispute location 1,200


1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1), (3), and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about February 10, 2012, the Employer has interfered with, restrained, and coerced its employees in the exercise of their Section 7 rights by restricting nurses' conversations with doctors.

Since about February 3, 2012, the Employer has failed to bargain collectively and in good faith with the AFT, Connecticut by making a unilateral change to the tardiness policy in Surgical Services.

In January 2012, the Employer retaliated against employees and failed to bargain collectively and in good faith when it made a unilateral change in the past practice of self-scheduling in PACU.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)**AFT CONNECTICUT****4a. Address (street and number, city, state, and ZIP code)****35 MARSHALL ROAD
ROCKY HILL, CT 06066****4b. Tel. No.****860-257-9782****4c. Cell No.****4d. Fax No. 860-257-8214****4e. e-Mail****5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****AMERICAN FEDERATION OF TEACHERS****6. DECLARATION****I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.****Tel. No.****860-257-9782****Office, if any, Cell No.****Fax No. (860) 257-8214****e-Mail**By: 
(signature of representative or person making charge)**GREG KOTECKI**

Date:

4/19/12**Address 35 MARSHALL ROAD
ROCKY HILL, CT 06067****WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 34**

WILLIAM W. BACKUS HOSPITAL

and

AMERICAN FEDERATION OF
TEACHERS, CONNECTICUT, AFL-CIO

Cases 34-CA-068214
34-CA-070773
34-CA-075090

**ORDER FURTHER CONSOLIDATING CASES, AMENDED CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, and to avoid unnecessary costs or delay, IT IS ORDERED THAT the charges in Case Nos. 34-CA-068214, 34-CA-070773, and 34-CA-075090 filed by American Federation of Teachers, Connecticut, (the Union) against William W. Backus Hospital (Respondent) are consolidated.

This Order Consolidating Cases, Amended Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the Act) and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act by engaging in the following unfair labor practices:

1. The charge in Case No. 34-CA-068214 was filed by the Union on November 3, 2011, and a copy was served by facsimile transmission and regular mail on Respondent on November 4, 2011.
2. The charge in Case No. 34-CA-070773 was filed by the Union on December 14, 2011, and a copy was served by facsimile transmission and regular mail on Respondent on December 15, 2011.
- 3 (a) The charge in Case No. 34-CA-075090 was filed by the Union on February 22, 2012, and a copy was served by facsimile transmission and regular mail on Respondent on February 23, 2012.

(b) The amended charge was filed by the Union on March 27, 2012, and a copy was served by facsimile transmission and regular mail on Respondent on March 28, 2012.

(c) The second amended charge was filed by the Union on April 19, 2012, and a copy was served by facsimile transmission and regular mail on Respondent on April 20, 2012.

4. At all material times, Respondent, a corporation with an office and place of business in Norwich, Connecticut, herein called its facility, has been operating an acute care hospital providing inpatient and outpatient medical care.

5. During the 12-month period ending January 31, 2012, Respondent in conducting its business operations described above in paragraph 2, purchased and received at its facility goods valued in excess of \$50,000 directly from points located outside the State of Connecticut.

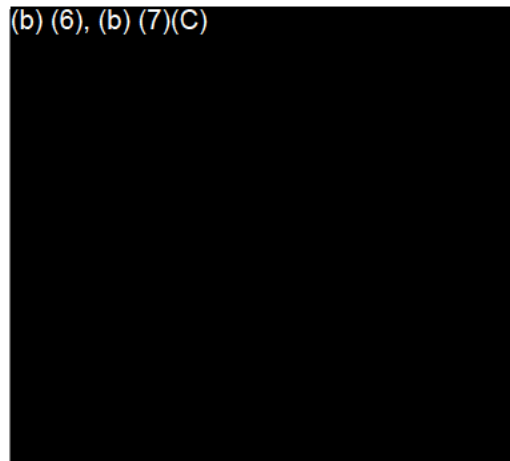
6. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act, and a health care institution within the meaning of Section 2(14) of the Act.

7. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

8(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:



(b) (6), (b) (7)(C)



(b) At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)	---	(b) (6), (b) (7)(C)

9. The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time registered nurses employed by Respondent at its Norwich, Connecticut facility; but excluding all other employees, APRNs, clinical coordinators and all other supervisors and guards as defined in the Act.

10. On May 19, 2011, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

11. At all times since May 19, 2011, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

12. Since about August 2, 2011, Respondent and the Union have been engaged in negotiations for an initial collective-bargaining agreement.

13. About October 25, 2011, Respondent distributed a color brochure to all its employees, including Unit employees, announcing the details of Respondent's 2011 Shared Rewards Program, which consisted of the following: a performance bonus; a merit-based wage increase; and an additional matching contribution to the 403(b) plan for employees with such a plan.

14. About October 27, 2011, Respondent, by (b) (6), (b) (7)(C) at its facility, informed Unit employees that it would exclude them from participating in the 2011 Shared Rewards Program.

15. About November 17, 2011, Respondent distributed the performance bonus noted above in paragraph 13 to eligible non-Unit employees in their paychecks, but withheld the performance bonus from eligible Unit employees.

16. About December 29, 2011, Respondent issued the merit-based wage increase noted above in paragraph 13 to eligible non-Unit employees, but withheld the merit-based wage increase from eligible Unit employees.

17. Since about January 2012, Respondent has distributed the additional matching contribution noted above in paragraph 13 to the 403(b) plans of eligible non-Unit employees, but withheld the additional matching contribution from eligible Unit employees.

18. About February 10, 2012, shortly after a discussion in the Post-Anesthesia Care Unit (PACU) between an employee and a doctor regarding the negotiations described above in paragraph 12, Respondent, through (b) (6), (b) (7)(C) at its facility, told employees that they were not permitted to speak to doctors about any topics unrelated to patient care.

19. About January 26, 2012, shortly after the practice of self-scheduling in the PACU was raised by the Union at the negotiations described above in paragraph 12, Respondent discontinued that practice.

20. Respondent engaged in the conduct described above in paragraph 19, because Respondent's employees assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

21. In January 2012, Respondent changed the attendance policy in Surgical Services.

22. The subjects set forth above in paragraphs 13, 14, 15, 16, 17, 19, and 21 relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

23. Respondent engaged in the conduct described above in paragraphs 13, 14, 15, 16, 17, 19, and 21, without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to such conduct.

24. About December 14, 2011, Respondent, by (b) (6), (b) (7)(C) at its facility, prohibited employees from distributing union stickers while they were on non-working time and in a non-working area.

25. About December 14, 2011, Respondent, by (b) (6), (b) (7)(C) at its facility, denied access to public areas of its facility to a non-employee Union representative while permitting such access to other members of the public.

26. By the conduct described above in paragraph 18, 24, and 25, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

27. By the conduct described above in paragraphs 19 and 20, Respondent has been discriminating in regard to the hire or tenure or terms and conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

28. By the conduct described above in paragraphs 14, 15, 16, 17, 19, 21, and 23, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

29. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

WHEREFORE, as part of the remedy for the unfair labor practices alleged above, the Acting General Counsel seeks an Order requiring Respondent to bargain in good faith with the Union, on request, for the period required by *Mar-Jac Poultry*, 136 NLRB 785 (1962), as the recognized bargaining representative in the appropriate unit.

The Acting General Counsel also seeks an Order requiring that the Notice to employees be read during working time by Respondent; requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no unfair labor practice; and requiring Respondent to submit the appropriate documentation to the Social Security Administration so that when backpay is paid, it will be allocated to the appropriate periods. The Acting General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before May 14, 2012 or postmarked on or**

before May 11, 2012. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.


An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. A failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. When an answer is filed electronically, an original and four paper copies must be sent to this office so that it is received no later than three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **May 14, 2012** at 10:00 a.m. at the A.A. Ribicoff Federal Building, 450 Main Street, Suite 410, Hartford, Connecticut, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding has the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Hartford, Connecticut, this 30th day of April, 2012.


Jonathan B. Kreisberg, Regional Director
National Labor Relations Board
Region 34

Attachments

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 34**

WILLIAM W. BACKUS HOSPITAL

Charged Party

and

**AMERICAN FEDERATION OF TEACHERS,
CONNECTICUT, AFL-CIO**

Charging Party

Cases 34-CA-068214
34-CA-070773
34-CA-075090

**AFFIDAVIT OF SERVICE OF ORDER FURTHER CONSOLIDATING CASES, AMENDED
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 30, 2012, I served the above-entitled document(s) by certified and post-paid regular mail upon the following persons, addressed to them at the following addresses:

THERESA BUSS, DIRECTOR
HUMAN RESOURCES
THE WILLIAM W. BACKUS HOSPITAL
326 WASHINGTON ST
NORWICH, CT 06360-2740
Certified No. 7011 2000 0002 6732 1930

THOMAS R. GIBBONS, ESQ.
JACKSON LEWIS LLP
90 STATE HOUSE SQ., FL. 8
HARTFORD, CT 06103-3708

(b) (6), (b) (7)(C)

GREG KOTECKI, FIELD REPRESENTATIVE
AMERICAN FEDERATION OF TEACHERS,
AFL-CIO, CLC
35 MARSHALL RD
ROCKY HILL, CT 06067-1400

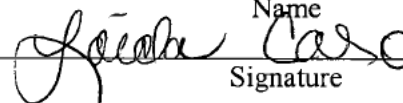
SAMUEL J. LIEBERMAN, ESQ
AFT LEGAL DEPARTMENT
555 NEW JERSEY AVE NW
WASHINGTON, DC 20001-2029

April 30, 2012

Date

Loida Caro, Designated Agent of NLRB

Name



Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 34**

THE WILLIAM W. BACKUS HOSPITAL

and

**AMERICAN FEDERATION OF TEACHERS,
AFL-CIO**

**Cases 34-CA-068214
34-CA-070773
34-CA-075090**

**ORDER CONDITIONALLY APPROVING WITHDRAWAL OF
CHARGES AND AMENDED CONSOLIDATED COMPLAINT**

An Order Further Consolidated Cases, Amended Consolidated Complaint and Notice of Hearing issued in this matter on April 30, 2012. Thereafter, the Charging Party requested withdrawal of the charges as a result of a non-Board settlement with Respondent. Accordingly, conditioned upon Respondent's full compliance with the terms of the non-Board settlement, the withdrawal of the charges is conditionally approved, and the Amended Consolidated Complaint is conditionally withdrawn.

Dated: May 30, 2012

Jonathan B. Kreisberg, Regional Director
National Labor Relations Board, Region 34

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

THE WILLIAM W. BACKUS HOSPITAL

and

**AMERICAN FEDERATION OF TEACHERS,
AFL-CIO**

**Cases 34-CA-068214
34-CA-070773
34-CA-075090**

Affidavit of Service of **ORDER CONDITIONALLY APPROVING WITHDRAWAL OF
CHARGES AND AMENDED CONSOLIDATED COMPLAINT**

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 30, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

THERESA BUSS, DIRECTOR
HUMAN RESOURCES
THE WILLIAM W. BACKUS HOSPITAL
326 WASHINGTON ST
NORWICH, CT 06360-2740

THOMAS R.GIBBONS, ESQ.
JACKSON LEWIS LLP
90 STATE HOUSE SQ., FL. 8
HARTFORD, CT 06103-3708

GREG KOTECKI, FIELD REP.
AMERICAN FEDERATION OF
TEACHERS, AFL-CIO
35 MARSHALL RD
ROCKY HILL, CT 06067-1400

SAMUEL J. LIEBERMAN, ESQ.
AFT LEGAL DEPARTMENT
555 NEW JERSEY AVE NW
WASHINGTON, DC 20001-2029

May 30, 2012

Date

Elizabeth C. Person, Designated Agent of NLRB

Name

Signature